

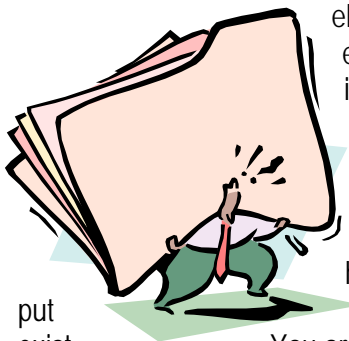
## Public Records

Just about every document you produce is public record. You should bear that in mind when creating any document, including emails and drafts. Stamping draft on a document does not mean you don't have to give it to members of the media. If you're not prepared to see it in print, don't write it.

There are few exceptions to the public record law. Major exclusions affecting the courts are juvenile records, adoptions, sealed indictments and personnel records.

You also can't control the way a public record is used. You can ask a reporter *why* he or she wants a particular document, but if it is public record, then it is the reporter's right to request it without having to explain how it will be used.

North Carolina law defines public records as including records in any format – written, photographic, video, or audio. If you maintain a record



electronically, a reporter may request the electronic version and you are required to give it to him. In both electronic versions and hard copies, you are required to remove any fields that contain confidential information. The law requires only that you release a document that actually exists. You don't have to create a record, collate information or numbers into a form that doesn't currently

exist. You are only required to give the reporter what you have, in the form in which it is kept, and he or she can crunch his or her own numbers. That's where the law and public relations differ -- if the process is fairly simple, you might consider compiling the numbers for a reporter as a way to build trust and rapport. Your assistance also may assure that the math is correct.

Personnel records generally are closed. The only information a reporter is entitled to is name, age, job title, date employed, date of last personnel

action, last personnel action and salary. Only the AOC director may choose to disclose the closed sections of a personnel file, if it is deemed in the best interest of the department. The decision to open the closed sections must be recorded in a written memorandum. Opening a personnel record can make sense if an employee or former employee is misrepresenting his or her situation.

The public records law also says that agencies are required to make requested records available in a timely basis. You should respond as quickly as possible. The faster you respond, the more open you appear. Some reporters over-interpret the public records law, making outrageous demands. If a reporter calls at 5 p.m. on a Tuesday and makes a lengthy public records request, demanding that it be filled by the close of business on the next day, you have the right to explain that the public records law says "timely" fashion. Negotiate with a reporter about when he can expect to receive the documents.

If confidential information is commingled with requested non-confidential information, you must separate, or redact ("white-out") the confidential information at your expense.

If you are short-staffed, you might want to make records and a copying machine available and let the reporter fulfill his or her own request.

If you have legal questions about public records, you should contact the legal staff at the Administrative Office of the Courts. Public information questions should be addressed to the public information office.

## Open Meetings

The Judicial Branch is not subject to the open meetings law. However, there are instances in which reporters are welcome to attend meetings, such as the State Judicial Council or judicial training conferences.